

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Daniel John Kauten

Defendant.

Case: 2:17-cr-20095
Judge: Cleland, Robert H.
MJ: Majzoub, Mona K.
Filed: 02-15-2017 At 03:55 PM
INFO USA V. KAUTEN (LH)

VIO: 18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(a)(5)(B)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE

18 U.S.C. § 2252A(a)(2)
Receipt of child pornography

On or about and between October 11, 2013 and April 23, 2014, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, the defendant, Daniel John KAUTEN, knowingly received child pornography as defined in 18 U.S.C. § 2256(8)(A), that is, visual depictions of sexually explicit conduct that involved prepubescent minors and minors who had not attained 12 years of age; and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or

foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT TWO

18 U.S.C. § 2252A(a)(5)(B)
Possession of Child Pornography

On or about and between October 11, 2013 and April 23, 2014, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, the defendant, Daniel John KAUTEN, knowingly possessed material that contained an image of child pornography, as defined in 18 U.S.C. § 2256(8)(A), that is, visual depictions of sexually explicit conduct that involved prepubescent minors and minors who had not attained 12 years of age; and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2252A(a)(5)(B).

FORFEITURE ALLEGATIONS

18 U.S.C. §2253; 28 U.S.C. § 2461(c)
Criminal Forfeiture

The allegations contained in Counts One and Two of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture

pursuant to Title 18, United States Code, Section 2253, and Title 28 United States Code, Section 2461(c).

Upon conviction of either of the offenses charged in Counts One and Two of the Information, defendant shall, pursuant to Title 18, United States Code, Section 2253, forfeit to the United States the following:

- a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and
- c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property.

If any of the property subject to forfeiture pursuant to Title 18, United States Code, Section 2253, and Title 28 United States Code, Section 2461(c), as a result of any act or omission of the defendant--

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred to, sold to, or deposited with a third party;
- c) has been placed beyond the jurisdiction of this Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

the United States of America intends to seek forfeiture of all other property of the defendant up to the value of forfeiture applicable in this case pursuant to Title 21,

United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

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Dated: February 6, 2017

Criminal Case Cove

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>HW</i>

_____ Indictment/ ✓ Information --- **no** prior complaint.
 _____ Indictment/ _____ Information --- based upon prior complaint [Case number: _____]
 _____ Indictment/ _____ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

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